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The State and Civil Society in Disaster Response

Post-Tsunami Experiences in Tamil Nadu

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This paper¹ is essentially an empirical analysis of state and civil society responses in Tamil Nadu (India) to the tsunami of December 26, 2004. The paper examines interventions by state and non-state agencies, as well as people's experiences in the relief and rehabilitation phases to identify factors influencing both positive and negative outcomes of the tsunami response. Issues related to vulnerability and exclusion, equity, transparency and accountability in different sectors of disaster intervention are explored to highlight themes revolving around reach and efficacy of relief and recovery processes. These analyses bring out some interesting lessons with regard to the importance of institutional autonomy, non-politicized decision making, and synergetic state-civil society interfaces in fostering inclusive, transparent and accountable rehabilitation processes. The roles played by institutional responsiveness and flexibility in shaping an effective disaster response also emerge very clearly from this study of the Tamil Nadu experience. Another crucial finding points to the need for detailed, reliable and disaggregated geo-demographic and socio-economic records as a resource base for informing relief and rehabilitation interventions. The study draws extensively from the experiences and insights of people affected by, and involved in tsunami response, and from secondary knowledge resources available on the disaster.

Introduction

It was a devastating earthquake off the coast of Sumatra in the Indonesian archipelago, of magnitude 9.0 on the Richter Scale, followed by one of magnitude 7.3 on the Richter Scale 81 kilometers off Pulo Kunji, Great Nicobar, India, that resulted in massive tsunamis in several countries in South Asia and East Africa — Indonesia, Sri Lanka, India, Thailand, Somalia, Myanmar, Maldives, Malaysia, Tanzania, Bangladesh, Kenya and Seychelles.

In India, the tsunami affected nearly 2,260 kilometers of the mainland coastline (Tamil Nadu, Kerala, Andhra Pradesh and Pondicherry), as well as the Andaman and Nicobar Islands, with tidal waves up to 10 meters high penetrating up to 3 kilometers inland, taking at least 10,749 lives ("Special SITREP 35", 2005, para.1) and affecting more than 2.79 million people across 1089 villages ("2.79 million", n.d.)

In Tamil Nadu², the worst affected state on the mainland, over 8010 deaths were reported. Thirteen districts were hit by the tsunami, of which, Nagapattinam, Kanyakumari and Cuddalore were the worst affected, with a death toll of 6065, 828 and 617 respectively. In all, according to the GoTN (Government of Tamil Nadu), 984,564 people were affected with over 8,000 deaths and 126,182 homes being damages/destroyed. In addition more than 3,400 people have reported missing ("Tsunami - The Killer waves", 2005).

In Tamil Nadu, one thousand kilometers (kms) of the coastline were affected, with water penetrating up to 1 - 1.5 kms inland and causing extensive damage to nearly 19,168 hectares³ of cropped area. In addition, Tamil Nadu also suffered substantial losses in terms of loss of livelihoods—loss of assets such as boats and other fishery related assets, loss of livestock, disruption of the fisheries sector, traditional market links and other livelihoods linked to the coastal economy, and damage to other resources such as pasture and grazing lands. The tsunami also caused extensive damage to social infrastructure, community assets, harbors, and transport, power and communication infrastructure.

This paper is based on a study conducted in four tsunami affected districts⁴ of Tamil Nadu nearly a year after the tsunami. The primary objective of the study, and of this paper, is to analyze and bring together the experiences and learnings of a range of actors affected by, and involved in the disaster response in order to identify factors that influence effectiveness and reach of the relief and rehabilitation processes. These analyses include examinations of the state and civil society responses, key issues relating to the relief and rehabilitation processes, and transparency and accountability concerns. The paper relies on fieldwork, discussions with key actors in the tsunami response, and also draws from the wealth of material available with various agencies on the tsunami.

A. The State Response

At the very outset, it is important to stress that, as a phenomenon, the tsunami was one that was beyond the pale of experience of the State apparatus. Despite an initial paralysis due to the nature and sheer scale of the disaster, compounded by the breakdown of communications channels, the State and District level administrations⁵ swung into action

by noon 26 December 2004, with the first government orders (GOs) regarding relief and rehabilitation packages being issued on the 28th December 2005.

Bringing in the Armed Forces for search and rescue operations, and moving on to organizing relief camps and announcing ex-gratia payments⁶, the government, in the relief phase, is to be noted for averting a large-scale public health crisis despite thousands being housed in relief camps, and extensive destruction of essential infrastructure. In the rehabilitation phase, the state's efforts have largely focused on housing and livelihood rehabilitation, with a massive reconstruction program well underway. Requirements of vulnerable groups⁷ such as children, destitute individuals and women have also been addressed to an extent.

Critical Institutional Factors

To enhance the response capacity of the administration, a number of carefully chosen personnel from various departments across the State were put in place at various levels and also given considerable decision making powers. In Nagapattinam, the worst affected district, eleven teams, each comprising one Indian Administrative Services (IAS) officer, senior officials from departments such as Health, Agriculture, Public Works etc, and headed by a Minister of the State Government, were formed to assess damages, coordinate relief processes, and distribute ex-gratia in specific village clusters. Such teams, working on similar lines, were formed in other districts as well. These teams, which were in place for a month, were given administrative and financial powers to enable quick response to the situation on the ground. They also established linkages with civil society responders, and in all, have been recognized for the vital role they played in ensuring effective relief processes.

Across the state, postings of senior officers to the affected districts were executed rapidly, with personnel being chosen for their competency, commitment, integrity, and familiarity with local conditions and affected communities. The state government promptly devolved financial and administrative powers, with District Collectors being authorized to draw up to 10 million rupees to deal with a range of immediate requirements according to their discretion. The administrative and financial devolution was extended to lower levels also (such as officers responsible for relief camps), facilitating rapid and locally adapted

decision-making. Further, while political representatives did accompany relief teams, there seem to have been clear guidelines issued from the top (the State Government) that led to minimal political interference in the relief process that was largely driven by the administration. It is stressed by many observers that the key to a strong institutional response after the initial paralysis lay in the above conditions being met.

This level of administrative autonomy and lack of political interference has continued even through the rehabilitation phase, and coupled with an efficient and less bureaucratic leadership handpicked to lead the tsunami response, is said to have made GoTN's response, despite several shortcomings, more effective as compared to other states, and according to one observer, even some other countries. Further, the Tamil Nadu experience shows that an efficient administration empowered with sufficient autonomy can actually compensate for shortcomings in the policy framework⁸. It is also recognized that it was a clear message from the strong political leadership recognizing the importance of autonomy and protecting the administration from political interference that was crucial in fostering this facilitative environment.

These institutional factors have translated into a high degree of government responsiveness to the situation on the ground. The administration has been extremely proactive in engaging with civil society in terms of partnering with a range of non-government agencies in the relief and rehabilitation processes, as well as in being extremely receptive to feedback regarding policy frameworks and efficacy of rehabilitation processes. Coordination mechanisms have been set up for liaison with civil society, and bureaucratic procedures cut down drastically. This responsiveness has also meant an enhanced people - administration interface: (a) group discussions in affected communities conducted by Collectors in the initial days; (b) regular field visits; (c) weekly grievance days; (d) officers specially designated to handle particular aspects of relief and reconstruction to enable a disaggregated response to grievances; these officers' contact details are made public through the local media etc.

It must be noted here that elected village *panchayats*⁹ have not been really visible and central in the response efforts. It is believed by many observers that these elected bodies have been bypassed, albeit quietly, in an attempt to keep the relief and

rehabilitation process in the hands of the administration rather than vest it in elected, i.e., political bodies, and thus minimize the chances of politicizing the relief and reconstruction process. However, this move has been much questioned and debated on the grounds that these are democratic bodies, perhaps the best suited to implement an equitable rehabilitation process.

B. Civil Society Responses

In the wake of the tsunami, civil society, in India and abroad, rose to the occasion, with communities, individuals, bilateral donor agencies, international, national and local non-governmental organizations (NGOs), academic institutions, political groups, the media, religious trusts, interest groups with membership bases in the affected communities, and the corporate sector mobilizing to respond to the needs of the tsunami-affected areas.

To begin with, the general public and civil society organizations brought in with them substantial amounts of resources and expertise to help provide immediate relief to the affected people, and were engaged in a whole spectrum of activities — rescue, retrieval and disposal of bodies and debris, provision of food and essential medical care, construction of temporary shelters, psycho-social interventions, setting up relief camps, etc. One of the major contributions of the civil society organizations has been their ability to fill crucial gaps at the time of relief and rescue. For instance, while the government could mobilize large quantities of food-grain, it was civil society organizations that were able to mobilize essentials such as children's clothing, underwear, sanitary pads and baby food.

Civil society engagement in tsunami response has continued into the rehabilitation phase, with non-government agencies extensively involved in not only in planning, resourcing and implementing rehabilitation programs¹⁰, but also in influencing state policy to shape it in a manner that addresses people's real needs. For instance, it was civil society that was instrumental in bringing to the government's attention that coastal communities comprised not only fish workers, but also a range of other groups involved in diverse occupations, which had all been affected in various ways by the tsunami.

Civil society organizations have been proactive in highlighting the specific and precise needs of communities through intervention, research and documentation, bringing

to light instances of exclusion, and in advocating for the rights of vulnerable groups such as *Dalits*¹¹, non-fish workers, women and the aged. They also have played crucial roles in giving feedback to the administration regarding shortcomings and malpractice in various rehabilitation processes, and in bringing to the government's attention any negative implications of state policies¹². At this juncture, it must be noted that the government, in general, has been proactive in taking corrective measures and passing the necessary directives.

In addition to organizations directly involved in the relief and reconstruction work, there are also a number of groups and collectives that focus entirely on independent analysis of policy and practice, using the media, the courts, and mobilizing affected people and communities to highlight key issues of concern. Given their non-involvement in the actual administration of relief and rehabilitation, they often act as watchdogs trying to examine the situation from wider perspectives that distance can often bring, but are of course unable to always appreciate the challenges faced while actually trying to implement policy or operationalize standards and plans.

C. The State and Civil Society: Interfaces, Synergies and Conflicts

The response to the tsunami has seen an extraordinary level of synergy between various actors - government and non-government. It can be stressed that coordination, dialogue and information sharing between civil society organizations and the government have gone a long way in enhancing the effectiveness and reach of the response.

Right from the beginning, the administration was open to working in tandem with a range of civil society groups. This was seen during the relief phase, with the specially appointed teams regularly meeting, and proactively welcoming feedback from civil society groups. In addition, the administration also played a crucial role in coordinating interventions by NGOs to avoid duplication, and often sought their (NGOs) help in filling gaps in the government response. Such close engagement has continued through the response processes, with civil society working closely with the state in direct interventions, as well as in providing policy related feedback and input. The government, on its part, has been extremely responsive to civil society's concerns, as is visible in the constant evolution

of tsunami GOs based on field information from various civil society sources, including the media.

The entire state -civil society interface appears to be built around two key principles adopted by the government:

- a. Accessibility - The highest levels of the administration at the District and State levels were very willing to meet, listen to and pay attention to the issues and concerns raised by civil society, as well as accept several of their recommendations.
- b. Inclusiveness - The government has worked actively to create spaces and mechanisms for civil society organizations to participate effectively.

The Public-Private Partnership Framework

One such mechanism is the public-private partnership framework adopted by the government for the rehabilitation process. Under this framework, civil society organizations were invited to invest in and partner with the government in livelihood rehabilitation, and housing and infrastructure reconstruction.

This partnership has been widely adopted especially for housing reconstruction - the government is responsible for providing land and basic infrastructure¹³, while civil society organizations are to provide resources for, and undertake the actual construction process. If for a particular habitation no civil society organization comes through to undertake construction, then the affected people themselves would be permitted to do so with financial and technical assistance from the state. The government is to undertake construction only in cases in which both NGOs and beneficiaries are not forthcoming¹⁴.

Co-ordination Forums

Co-ordination mechanisms have been established at the District level (and at the State level at a later stage) to better leverage the expertise of civil society and optimize the use of resources. Co-ordination bodies¹⁵ that bring together a wide range of civil society organizations and the administration were set-up in Nagapattinam, Kanyakumari and Chennai by the joint initiative of certain NGOs and the Collectorate. In other districts too, co-ordination meetings are organized regularly.

The single most important feature of these co-ordination bodies is that they have a strong working relationship with the administration. They help ensure a constant interface between the administration and civil society groups (and between civil society groups themselves), and usually have the following objectives:

- a. Coordinating rehabilitation efforts by civil society organizations and the government to maximize potentials and avoid duplication;
- b. Sharing knowledge, perspectives, information and expertise;
- c. Discussing rehabilitation issues and giving feedback to the government.

Effective co-ordination is not just a felt need of the civil society organizations involved, but also greatly assists the administration in ensuring more effective resource allocation and planning, and has the potential to greatly reduce duplication and wastage of resources. A very interesting aspect of the experience of the district level co-ordination mechanisms is the role played by the District Collector in shaping civil society interventions through these forums. If the experience in Tamil Nadu is any indication, then for such co-ordination mechanisms to be effective, key personnel such as the District Collector must have sufficient knowledge of and understanding regarding the work and dynamics of civil society organizations as well as possess good facilitation and co-ordination skills.

One of criticisms leveled at the co-ordination and interface forums is that they are democratic only in name, and in effect, are controlled by the administration. It is pointed out that these co-ordination bodies have largely restricted themselves to logistical issues, and have not served as forums where substantive and policy impacting discussions occur. It is also pointed that the presence of these co-ordination bodies has not enhanced the overall transparency of either the government or non-government agencies. However, given their role in facilitating better communication and maximizing potentials, there is clearly a need for these mechanisms to not only continue, but also become stronger, as well as expand the scope of their functioning to include transparency and accountability related concerns.

Co-ordination and advocacy networks of a different nature can also be found in Tamil Nadu. The Tsunami Relief and Rehabilitation Co-ordination (TRRC) is a forum that brings together a large number of local NGOs, social movements and affected peoples' organizations from across Tamil Nadu, mostly with a focus on strengthening advocacy and

coordinating efforts to influence policy and practice in the relief, reconstruction and rehabilitation process. The TRRC focuses its efforts on mobilizing affected communities to ensure effective rights-based rehabilitation and development. Some of the organizations affiliated to the TRRC are also involved in the implementation of housing and livelihood rehabilitation. The TRRC also engages in policy overview, looking at relevance, standards, as well as transparent and democratic functioning of both government and non-government agencies.

Civil Society Interventions: Conflicts and Debates

The extent of networking and synergy visible between state and non-state actors in the tsunami response is not equally visible when it comes to relationships *between* various civil society actors. Given the diversity in institutional natures, orientation and perspectives, and extent of financial, human and technical resources available, co-ordination across the spectrum of civil society organizations has posed several challenges.

At one end of the spectrum are organizations that invest heavily and are intensely involved in rehabilitation-related work, typically share a strong working relationship with the government, and are often affiliated to co-ordination cells such as the NCRC. At the other end of the spectrum are Co-ordination Cells like the TRRC, which pursue an activist agenda and have taken on a monitoring role, often not hesitating to openly criticize the work of the government as well as some of the larger agencies, development organizations and INGOs engaged in relief and rehabilitation work.

Conversations with INGOs and the larger development organizations clearly reveal that many of them view the TRRC and many of the associated organizations as 'confrontationist' and difficult to work with, and that they perceive themselves as more 'constructive' in their approach than those associated with the TRRC.

On the other hand, there seems to be a perception that co-ordination cells such as the NCRC are 'pro-government' rather than pro-people, and that they are often co-opted by the government. Apparently their investments and involvement in the rehabilitation processes create the need to maintain smooth relations with the government, and therefore, they refrain from taking up controversial issues that could antagonize the administration. While at one hand this could indeed be true, people associated with these

co-ordination cells point out that this perception probably stems from the fact that they, having direct access to the upper echelons of the administration, do not usually need to make a hue and cry about their stand, or take it to the media.

Despite the vast differences among them, these apparently conflicting networks of organizations are actually complementary to each other – in any rehabilitation process, both activist organizations and development organizations have roles to play. Despite this truism, efforts to get the two ends of the spectrum to work together have been rather futile, with diverse kinds of civil society organizations arrayed along various axes rather than forming a loop that feeds into and complements each other's work.

Co-ordination between various organizations involved in direct rehabilitation has also been lacking, largely due to issues related to competition, and an unwillingness to share information. These conflicts and difficulties in coordinating interventions have had negative implications in terms of accountability to people and an undermining of response efforts, and pose a challenge that needs to be addressed on a priority basis.

C. Post-Tsunami Relief and Rehabilitation: Key Areas of Concern

The tsunami left in its wake unprecedented destruction of life and resources and posed a huge challenge to the State and civil society, both of which have demonstrated a positive intent as well as informed and decisive action. A synergy of their mutual strengths has been an important factor in ensuring the development of a meaningful and strategic response. While response efforts in Tamil Nadu have been by and large recognized as having been comparatively effective and successful, it remains a fact that there are several issues related to the relief and rehabilitation processes that are a cause for concern, and that need to be critically delved into as an initial step towards drawing vital lessons that can be taken forward to other disaster situations.

Immediate Response and Relief

The relief phase saw the government, NGOs, local public, religious groups, hospitals etc., launch an intensive effort to rescue people, retrieve and cremate or bury bodies, clear debris, transport people to relief camps, organize medical facilities, make arrangements for food, water and sanitation, and extend psychosocial care. The Armed

Forces were brought in for search and rescue operations, and special measures were taken to avoid epidemiological crises.

While on the whole relief activities are recognized as having been effectively coordinated, there were critical gaps and problems associated with the organization and provision of relief.

In the initial days, relief was given only to those registered as tsunami affected, and people who had fled their homes post-tsunami, returning after a few days, had considerable difficulty in registering themselves. Further, at the start, aid reached only fish worker communities, while several other communities who had lost their means of livelihood, but perhaps not property and life, were overlooked completely. There were reports that in many villages, even if aid is distributed equally to all, it was usually collected back later, and distributed to only those who lost assets like boats and catamarans (Sampath, n.d., Towards Equality, para.2). Relief supplies often did not reach villages that were situated at a distance from the main road. There was also a fair amount of duplication of work and dumping of relief material due to uncoordinated relief distribution by a plethora of agencies. Needs of vulnerable groups such as women, children and the aged were typically overlooked in relief camps.

While initially schools, colleges, marriage halls etc., functioned as relief camps, people were soon moved out to temporary shelters. With regard to temporary shelters, haste to complete construction by the 15th January, 2005, appears to have undone an otherwise well-framed policy. Typically, temporary shelters were very hot, poorly ventilated, had no flooring, inadequate water and sanitation facilities, and insufficient lighting. The shelters were built mostly on low-lying areas, and were flooded during the monsoons in 2005. A year after the disaster, many families continue to reside in these shelters, and are likely to do so for at least another three to six months. While some civil society organizations have been involved in upgrading the quality and facilities of these shelters, the overall experience has been one in which even widely known standards such as the Sphere standards have not been adhered to.

Rehabilitation - Housing Reconstruction and Livelihood Recovery

1. Housing Rehabilitation: The Relocation Conundrum

Housing reconstruction is being implemented in partnership with civil society organizations in all affected districts, except Chennai and Thiruvallur. The housing rehabilitation policy initially brought out envisaged the permanent relocation of affected communities in order to incorporate safety considerations, and in keeping with the Coastal Regulation Zone (CRZ) notification¹⁶.

In the face of strong opposition from civil society on the grounds that relocation would have a direct, negative impact on fishing livelihoods, a new GO was issued making relocation optional for people residing within 500 meters of the high tide line. However, people residing within 200 meters of the high tide line would not receive any government assistance for repair/reconstruction unless they relinquished the site and house, in return for a new house beyond the 200 meters zone.

The housing rehabilitation policy is evidently attempting to address several concerns, often conflicting, ranging from livelihoods and safety, to environmental and legal considerations. However, the fact that the policy excludes people living within the 200-meter zone, a section of the affected population that is extremely vulnerable given its proximity to the sea, is a matter of concern. The State would have done well to rather adopt a policy that allows partnership with the people and civil society organizations to create disaster resistant housing for such vulnerable populations.

2. Housing Rehabilitation: Procedural Complications, Quality and Community Participation

Acquiring land for resettlement¹⁷ of communities, despite a special directive permitting district administrations to acquire land through private negotiation, has been very difficult given the scarcity of land and high land prices on the coast. Difficulties in land acquisition have led to delays in allocation of habitations (for reconstruction) to NGOs, and the accompanying compulsion on people to stay for a prolonged period in the temporary shelters. To circumvent this, district administrations have been informally encouraging communities to opt for in situ rehabilitation, even within the 200 meters zone.

Quality of construction has been another issue of concern, particularly when the implementing agency hands over construction to a building contractor and removes itself

from the scene, leaving room for malpractice. The government's stand that it will not provide assistance for reconstruction with 200 meters of the high tide line is especially problematic in light of quality concerns, as this implies that there are no technical guidelines, and allocation and monitoring mechanisms governing reconstruction here. When it comes to site selection, criteria regarding distance from sea and elevation are often not followed, and quality of land is at times not acceptable – for instance, wetlands and saltpan lands have been allocated in some areas. In totality, inadequate monitoring, and the lack of political will to enforce minimum standards, has impacted housing reconstruction negatively.

Participation of the affected community typically remains at a minimum, despite the policy recommending early allocation and linking of sites with beneficiaries to allow them to be a part of the process right from the start. Consultation processes for design, layout planning etc., are not always followed, or involve only power centers in the community. The housing policy also favors external organization involvement over owner-driven¹⁸ housing rehabilitation. Further, the ownership of the land remains with the state government, with the district administration reserving the right to transfer ownership to the beneficiaries as and when it deems fit.

3. Livelihoods

A range of livelihoods across the Tamil Nadu coast was affected by the tsunami. While fishery based livelihoods were the first to be recognized as requiring rehabilitation assistance, it soon became apparent that a large percentage of people on the coast dependent on other livelihoods, particularly agriculture and informal sector occupations, were affected as well.

Despite this recognition, rehabilitation of fishery-based livelihoods¹⁹ has continued to receive the maximum attention from both the state and civil society organizations. The focus in this sector has been on replacement of assets, i.e., provision of boats and fishing equipment. The combined and, at times, uncoordinated efforts of the State and civil society to supply boats to fish workers has led to an increase in the total stock of fishing boats in Tamil Nadu, with possible long-term, negative consequences for fishery in Tamil Nadu which has already been experiencing stagnation due to over-exploitation. This over

supply, often driven by the desire of civil society organizations to foster equity by giving boats to those who were earlier laborers, has also led to a shortage of fishing boat crew, with the result that young boys are being pulled out of school to work on the boats. Issues related to quality are being seen – boats are often not seaworthy, as organizations seem to compromise on quality in an effort to increase numbers. There are also issues relating to the lack of suitability of boats to local preferences and sea conditions. The fisheries rehabilitation policy has also not addressed deeper issues associated with depleting fishery resources, sea safety²⁰ and disaster preparedness²¹.

Accurate damage estimation has been problematic²² as a large proportion of the craft were unregistered and without any records. To circumvent difficulties created by the lack of existing data, the rehabilitation process has been largely routed through the traditional fish worker *panchayats* (these are community institutions different from the elected *panchayats*) that govern these communities. While these have greatly facilitated identification of beneficiaries and implementation of rehabilitation packages, they are not egalitarian in several respects. Women do not have a place in these traditional *panchayats*, and so are often left out during rehabilitation processes. While the *panchayat* does support them for their basic needs, this support is usually at the subsistence level.

With respect to agriculture, it is widely believed that the official estimates of affected lands are far less than the actual figures. The compensation for crop damage is inadequate, and the efficacy²³ of the desalination packages provided by the government still under question. Agricultural laborers have been subsumed in the larger discourse on agricultural land, with typically only landowners being considered as tsunami affected. While in some areas relief packages did reach laborers, nothing much has been done for them in terms of livelihood rehabilitation.

The situation of people engaged in petty trades, service provision, allied services such as fish curing, vending etc., and working in saltpan lands is similar. Relief packages were announced for these groups, but little is available by means of livelihood rehabilitation, as it is believed that these dependent livelihoods would pick up as the fishing economy revived. It is also being seen that claiming compensation for loss of livelihood, particularly when one is a part of the unorganized sector is very problematic

because of issues related to evidence and proof²⁴. Getting losses certified by the administration, or getting people to vouch for them during enquiries has been a difficult proposition²⁵ for itinerant vendors and service providers. Some civil society organizations have been involved in providing legal aid services to those who have not received their entitlements. Alternative livelihood programs are also being explored.

What cuts across the entire experience of livelihood rehabilitation is that both the government and civil society organizations have largely adopted property-centric relief and rehabilitation policies, with the result that livelihood rehabilitation packages predominantly reach only people who possess assets such as boats, land, shops etc. Several groups that contribute to the coastal economy by providing their labor and skills have all found themselves sidelined and disregarded.

An Overview of Accountability and Transparency in Tsunami Response

The working of the various agencies involved in the relief and rehabilitation process has not been free of concerns related to transparency and accountability.

There is a widely perceived need for civil society organizations to be follow rigorous procedures with regard to financial management and related transparency, particularly in the context of the large sums of money that have been received in the wake of the tsunami, a process that has been made easier by the waiver of the traditional checks otherwise placed by the Foreign Contribution Regulation Act (FCRA) of 1976. Civil society organizations have been typically reluctant to share information on resources received and utilized with other civil society actors, often saying that they are accountable to only the government.

People also voice concerns relating to issues such as poor quality and slow pace of work, non-participatory approaches and a general unwillingness to share information. The visibility²⁶ as well as the financial resources that tsunami related work seems to have, has led to intense competition to 'acquire' villages and spend massive budgets, often in a non-consultative and uncoordinated manner (International Federation of Red Cross and Red Crescent Societies, 2005, as cited in Anand, 2005). It is also troubling that despite many claims by NGOs that their focus of work and advocacy is on vulnerable groups, issues like

the conditions of agricultural laborers, and lacunae in old age pension schemes have not received adequate attention in policy.

While the participation of affected people is widely upheld as a principle, in practice however, it is not always realized due to the nature of institutional arrangements around financial reporting and obligations. One reason cited by NGOs as a hindrance in giving full play to participatory processes was the necessity to achieve targets and meet project deadlines. It also appears that lack of mutual familiarity and knowledge of local conditions makes it all the more difficult to foster mutual trust, an essential condition for effective participation²⁷.

The nature of institutional arrangements governing donor-partner relationships also affects relevance²⁸ and effectiveness of programs. Contractual obligations, including sanctioned budget lines, and conditions regarding program type and implementation, have had significant bearing on the level of flexibility in program administration. It is commonly seen that there is minimal scope to make alterations in the program, or make mid-course corrections because of various conditions imposed by donor agencies.

Relevance of programs is also affected by the enthusiasm of many organizations to apply new knowledge without researching it carefully, and to bring about social change in the community²⁹. Further, one finds that many of the agencies engaged in post-tsunami relief and rehabilitation do not have the experience, expertise or knowledge of the coastal economy, social systems and structures required to design and implement meaningful programs. When such organizations 'influence' their local partners to take up 'specific' areas of work or modes of implementation, intervention often becomes inappropriate to local conditions.

What emerges from these experiences is the value of different types of civil society organizations confining themselves to clearly defined roles. There seems considerable merit in the argument that donor agencies that are not familiar with local conditions should not take on the role of a direct implementing agency. Ideally, while a development support agency brings in the financial resources, a local development organization must work to facilitate the rehabilitation process in partnership with the community.

With respect to the state, the administration seems to have earned a fairly clean chit in terms of accountability and transparency in its working. While this could be attributed to the fact that the government has, for the most part, stayed away from direct, beneficiary oriented implementation of rehabilitation, it is also true that several mechanisms have been set up to ensure a certain level of transparency in the disaster response. For one, the government has taken a deliberate decision to partner with civil society organizations in the rehabilitation process, and this, along with several other monitoring measures, has gone a long way in minimizing corruption in the delivery of aid.

With respect to financial transparency, the government has exhibited a great deal of willingness to share information. However, some ambiguity exists among civil society regarding the exact quantum and utilization of funds received from various sources such as the World Bank, Asian Development Bank, and the Central Government. The government, being obliged to set the highest standards of transparency and accountability, should take immediate steps to clear this ambiguity, by perhaps issuing a White Paper on this question.

D. Vulnerabilities and Exclusion

The ongoing process of relief and rehabilitation has seen the exclusion of several groups of people because of a complex matrix of reasons relating to factors as diverse as inherent vulnerabilities and active discrimination, as well as systemic deficiencies.

The special needs of vulnerable groups such as women, children, the disabled, and the aged were not considered in the relief phase. For instance, the relief packages distributed did not contain even children's clothing. Older people found it difficult to collect relief packages in camps as they were pushed around. A study conducted by HelpAge International during the relief phase reveals that a main reason underlying the invisibility of older people is the absence of data disaggregated by age (HelpAge International, 2005). Women faced several problems, including those related to lack of privacy and appropriate sanitation facilities.

The Tamil Nadu government has, however, done well to respond to civil society's concerns about child trafficking in the guise of adoption after disasters, and has directed that all affected children are to remain their home districts, and that all orphans without caretakers are to be housed only in government orphanages.

With regard to the elderly, the government's old age pension scheme that was extended with immediate effect to all eligible tsunami affected people who were not already covered is severely lacking. Under this only people above the age of 60 who do not have a son above the age of 18 years are eligible for pension. The scheme completely ignores the fact that many elderly, destitute people are estranged from their families and sons, and so are as helpless and vulnerable as those without sons. Further, the fact that the policy mentions sons rather than daughters is contrary to the principle of gender justice that should be the cornerstone of an equitable rehabilitation process. The disabled receive no mention in the rehabilitation policy, other than directions issued ordering the distribution of aid devices.

There are reports of *Dalits* facing discrimination during the relief phase, and being denied even food aid on the grounds that there were no deaths among them (Alternative Law Forum, n.d., Problems of Relief Distribution in the Immediate Aftermath, para.2). In the rehabilitation phase, the prospect of relocation is leading to caste related problems. With certain fish worker communities opting for relocation, identifying suitable sites becomes problematic when *Dalit* communities are found between the new site and the sea³⁰.

Women's work has not been recognized by rehabilitation programs (Oxfam, 2005, p.7). Livelihood restoration measures have focused on replacement of assets, thus excluding women who rarely possess assets in their names. Often the disbursement of relief and rehabilitation packages is controlled by fish worker traditional *panchayats* that are dominated by men, leading to further exclusion of women (Manecksha, 2005, para.14). Even when women do get compensation and relief packages, other family members typically take over the resources that come in (Ibid, para.8). It must be noted here, however, that the government has taken several measures to incorporate women's concerns in the rehabilitation policies³¹.

The case of the *Irulas*, a semi-nomadic *adivasi* (tribal) community, reveals with a great deal of clarity an important factor influencing exclusion in disaster response. The *Irulas*, (several members of which are engaged in backwater/catamaran fishing near the

shore, or work as casual labor on fishing boats) as a group were, and continue to be overlooked in the relief and rehabilitation processes.

As a community, the *Irulas* have long been invisible given their nomadic habits, and scattered, sparsely populated settlements. They rarely possess proofs of identity such as ration cards³², voter's identification cards, community certificates³³ etc. Many of the households do not even feature in the Census as the *Irula* settlements are usually located far from the main roads, and people are usually not available at home during the day.

After the tsunami, *Irulas* whose houses were affected had nothing to show — they lived in huts that were completely washed away, leaving no signs of the destruction that had been wreaked. Their settlements are dispersed, so identification of the affected and distribution of relief become huge tasks. A variety of evidence was required to get compensation — house on *patta*³⁴ land, recognition of the village by a *panchayat* (*Irulas* live in dispersed, isolated clusters, unrecognized by the VAO or a *panchayat*) and other government identification cards — none of which was available with them. The *Irulas* are also, by nature, a reserved community, and are reluctant to even speak about the losses they have suffered in the tsunami to outsiders. In short, they lack the ability to sell themselves, and this when contrasted with the highly organized and articulate fish worker community, puts the *Irulas* even more at a disadvantage. It has also been noticed that even civil society organizations are not very eager to support *Irula* rehabilitation possibly because their settlements are scattered and sparsely populated. It is easier to get numbers (in terms of families and people), identify beneficiaries, distribute relief and rehabilitation packages, and raise resources in the densely packed fish worker settlements.

Understanding Exclusion: The Politics of Information and Definition

The Tamil Nadu experience shows that exclusion in post-disaster situations is linked to an interaction of factors such as inherent vulnerabilities, data integrity, and definition of 'affected'.

In the first days after the tsunami, no relief reached, a particular Hindu village in the predominantly Christian coastline of Kanyakumari, as the district administration depended on the Church³⁵ for information about affected settlements. This village did not figure in Church records as the Church maintained detailed records only of the Christian

settlements. As the administration did not possess readily accessible, accurate geo-demographic data, it relied, and continues to rely, on the Church for records, thereby creating a situation in which there are bound to be exclusions. The neglect of the Irula community can also be attributed to similar reasons – only a hazy, distorted picture of these people exists with the government, and hence its inability to proactively identify them as ‘affected’ and address their concerns.

As can be seen from these instances, and from the situation on the ground, the underlying issue emerges to be one of data integrity. Detailed and accurate demographic (inclusive of socio-economic and geographic information) data and other relevant records are not available with the government, and where available, are often not accurate.

This deficit in data integrity is exacerbated by a skewed understanding of the term ‘affected’ that is based on the premise that only settlements that were damaged by water, and that only people who had lost lives and property were ‘affected’. This visibility-influenced definition has in turn directed the manner in which compensation, relief and rehabilitation processes were and continue to be designed and implemented – there is stress on provision of evidence that one has lost assets. Added to this is the flawed conceptualization of the ‘coastal community’ as a homogeneous whole (namely fish workers), rather than a vibrant system of inherently different groups, held together by geo-economical links.

While corrective measures have been taken to widen the scope of the definition of ‘affected’, they have not been completely effective in reaching excluded groups as most systems and mechanisms governing the relief and rehabilitation process are still based on the original understanding of affected, as well as on the initial impact assessments and registrations of affected people.

E. Tsunami Response in Tamil Nadu: Consolidating the Experiences

It is clear from the Tamil Nadu experience that a responsive and proactive government, that devolves powers and responsibilities to the administration, is a necessary condition for effective disaster response. Further, institutional autonomy, and decision-making free of political interference, are crucial in fostering people sensitive and effective relief and rehabilitation.

It also appears that a lot depends on the perspective, approach and capacity of individual officers in key positions; however, this over reliance on the ability of the individual occupying a particular office is not without its dangers. It is also necessary to examine means of extrapolating the learnings of such officers to an institutional level in order to create a common skills and knowledge base.

While an efficient and non-corrupt administration is a necessary condition for effective disaster response, particularly in the relief phase, a much deeper engagement is needed with local elected institutions - the elected *panchayats* - to ensure equitable and inclusive rehabilitation, and to counter several of the problems seen commonly. The 73rd Constitutional Amendment vests with the village *panchayat* the obligatory function of disaster management and preparedness; *panchayats* possess the potential to implement the rehabilitation process at the grassroots level, and are well placed to foster community participation; they can also play a key role in creating detailed demographic databases, and are perhaps the institutions best suited to monitor reconstruction, as well as incorporate long-term development goals in the rehabilitation agenda.

However, in practice, one finds that in most post-disaster situations, like in the case of the tsunami, elected *panchayats* (as different from traditional *panchayats*) are not given the space and resources to facilitate the reconstruction process. Despite these obstacles, in Tamil Nadu, there is newly emerging evidence³⁶ that in places where *panchayats* have been active, the recovery process has progressed much faster and in a far more accountable manner. It is therefore vital that the involvement of these local bodies in disaster response is institutionalized in practice, and that they are equipped with the necessary capabilities and resources.

This study of tsunami response in Tamil Nadu also shows that a vibrant interface and partnership between the state and civil society is critical to ensure that people's concerns are addressed by both policy and practice, as well as to minimize corruption. This synergy needs to be fostered by both the state and civil society proactively. Also important is the need for effective communication channels, coordination, dialogue and information among and within civil society organizations to avoid duplication, wastage of resources and competition, and to optimize individual efforts.

With regard to the several instances of poor quality of intervention, it is inexcusable that such issues continue to plague disaster response despite the widespread knowledge and awareness that exists about standards in humanitarian aid, for instance, the Sphere Standards. What is patent, however, is that, given that post-disaster situations are characterized by flux, a great deal of flexibility in terms of rehabilitation policy, the nature of interventions, budgets and timelines, and even program objectives, is required to allow for the adapting of response interventions to address ground level realities as well as the true needs of people.

Further, there is a strong case for civil society organizations to put in a lot more effort in fostering transparency in their interventions. At the end of the day, all funding they receive and all programs they administer are in real terms meant for the people. Therefore, they should be first on line to share with others all details of their functioning, and in fact should welcome the involvement of the affected community in monitoring their interventions and programs.

Moving on to the questions of exclusion, what counts is the capacity of the system to deal with this exclusion, and for this, accurate and reliable disaggregated data on various lines is crucial, as is the willingness and capacity to alter policy to suit changing needs. Post-tsunami, it is strikingly clear that there is a pressing need for detailed and inclusive geo-demographic and socio-economic data collection, and vulnerability mapping as a resource base for disaster preparedness. The importance of avoiding rigid and unalterable definitions of 'affected' is also evidenced by this experience.

The importance of disaster preparedness has never been so clearly brought out as in the case of the tsunami. Preparedness is needed at various levels; for one, there needs

to be preparedness to respond, in terms of institutional structures and systems, personnel as well as material resources. Community preparedness is another crucial aspect. The first few hours after the tsunami showed that it was the community itself that was the first to respond, as in the case of all disasters. Communities need to be prepared so that not only are the impacts of disasters mitigated, but also so that they are knowledgeable about how to respond. Preparedness also includes addressing vulnerabilities — development of capabilities, reducing poverty, access to insurance, early warning systems, etc., all form a part of this. And at the broadest level, the need for a holistic and integrated policy on disasters that covers all aspects of prevention, preparedness, mitigation and response cannot be ignored.

End notes

¹ This paper is based on the report “*The State and Civil Society in Disaster Response: An Analysis of the Tamil Nadu Tsunami Experience*” published in December 2005 by the Tata Institute of Social Sciences. The authors of this paper, along with Karthik Venkatesh, undertook the field work for, and the writing of this report. See full report at http://www.tiss.edu/TISS_Tsunami_Report_2005.pdf

² All figures in this paragraph are drawn from the Tamil Government website

<http://www.tn.gov.in/tsunami/damages.htm>

³ It must be noted that damage figures have been constantly evolving, and reconstruction programs being currently implemented are not necessarily based on these figures.

⁴ Chennai, Kanyakumari, Nagapattinam and Cuddalore.

⁵ The District Administration is headed by the District Collector and Magistrate, a senior officer of the Indian Administrative Services (IAS) cadre.

⁶ For loss of life and injury.

⁷ School fee waivers, special deposits for orphaned children and young women, pensions for widows, destitute women and elderly etc.

⁸ Given the fact that policy frameworks are always not consistent with local conditions, district administrations have been very flexible in allowing necessary adaptations in implementation of rehabilitation programs. A case in point is the reconstruction of houses within the 200m CRZ zone in Kanyakumari (See section on housing rehabilitation)

⁹ Constitutionally recognized local self-governing bodies at the village level.

¹⁰ Through the public-private partnership framework.

¹¹ Literally meaning ‘broken people’, *Dalit* (like *Black*), is a political identity of a section of people formerly referred to as ‘untouchables’ or ‘outcastes’ i.e., those outside the “Caste” Hindu society.

¹² For instance, older men were marrying minor orphaned girls for the special deposits made in their name by the government as a part of tsunami rehabilitation.

¹³ State policy also lays down minimum standards for disaster resistant housing, guidelines relating to community participation, insurance, monitoring and third party auditing.

¹⁴ In the urban areas of Chennai and Thiruvallur, however, all reconstruction is being undertaken by the government.

¹⁵ Such as the Kanyakumari Rehabilitation Resource Centre, NGO Coordination and Resource Centre (NCRC) in Nagapattinam, and the Chennai NGOs Coordination Cell.

¹⁶ The Coastal Regulation Zone (CRZ) Notification, issued in 1991 under the Environment Protection Act, 1986, regulates the types of activities and land uses permitted in the coastal regulation zone (up to 500 metres of the High Tide Line). The notification, however, allows for fish workers settlements and associated activities in these zones.

¹⁷ The question of secondary displacement caused by land acquisition for tsunami rehabilitation has not been explored by this study, but definitely is a concern requiring examination.

¹⁸ The rehabilitation experience after the Gujarat Earthquake of January 26, 2001, shows that owner-driven housing, with financial and technical support from, and monitoring by the State is often the best option for rehabilitation in terms of resulting in sustainable habitations that are in keeping with people’s needs.

¹⁹ This discussion on rehabilitation of fishery based livelihoods draws extensively from policy notes released by the NGO Co-ordination Resource Centre, Nagapattinam.

²⁰ Such as search and rescue operations for stranded fish workers.

²¹ For instance, by means of insurance cover.

²² The process of delivering relief and rehabilitation in a manner that resources are spent judiciously, while ensuring that all affected people get their entitlements has posed quite a challenge to the government. Given the absence of reliable population data and records, the primary difficulty lay in identifying beneficiaries and verifying whether their losses were genuine. The government has relied heavily on community based institutions to get data on damages and affected people.

²³ Civil society organizations are exploring organic techniques for restoration of agricultural lands, particularly in Nagapattinam district.

²⁴ In the agricultural sector, compensation for loss of livestock is sanctioned only if the claimant has photographic evidence of the death of the animal – in the wake of the tsunami, most bodies were washed away, and those that remained were given a hasty burial to prevent disease outbreaks, making it next to impossible to produce such proof.

²⁵ A case in point is the plight of *Narikurava* (gypsy) vendors in the tourist town of Mahabalipuram near Chennai city. The tsunami waters washed away their wares — artifacts and costume jewellery.

But they have been unable to access compensation as there is no one to vouch for their losses — not only do they keep moving, they are also viewed with distrust and contempt by the mainstream.

²⁶ It was pointed out by many, that NGOs prefer to go to Nagapattinam, Cuddalore and Kanyakumari as they receive media attention. In contrast, in areas like Ramanathapuram or Vizhupuram, Tiruvallur, Kanchipuram, one finds very few NGOs, and that too, only local NGOs that do not have much capacity to raise or spend money.

²⁷ Many organizations have tried to circumvent this problem by hiring locals, ideally people from the affected community itself, as their outreach workers.

²⁸ Meaning the extent to which the program meets people's felt needs.

²⁹ A case in point is the virtual flood of surveys and administration of psycho-social interventions that followed the tsunami. While many of the psychosocial care interventions were sensitively designed,²⁹ there were others that were not so. Several months later, affected people still recount the trauma of having to repeat the same stories, draw the same pictures and listen to strangers asking one to 'cry and get it out', in many cases, several times over with different agencies and organisations. Another instance is that of the oversupply of boats caused by the desire to foster equity that in turn has led to young boys being removed from school to work as crew.

³⁰ Typically, *Dalit* settlements are always leeward of fishing villages.

³¹ For instance, all houses are to be registered in the names of both the husband and wife; any transfer of the wife's share to the husband is void.

³² An official document issued by the Government that entitles holders to subsidized food from the Public Distribution System.

³³ A certificate issued by a competent government authority that validates the caste/community identity of an individual. This entitles members of many marginalized groups to benefits of affirmative action.

³⁴ A title deed.

³⁵ The Catholic Church is a very well established institution in this area, and played a crucial role in coordinating relief and rehabilitation processes.

³⁶ S.Parasuraman, personal communication, January 4, 2006.

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